

Steven Mitnick, Esq.
Admitted *Pro Hac Vice*
Mitnick & Malzberg, P.C.
PO Box 429
29 Race Street
Frenchtown, New Jersey 08825
(908) 996-3716
Counsel for Plaintiff

Melissa A. Pena, Esq. (MP-3320)
Norris, McLaughlin & Marcus
875 Third Avenue, 8th Floor
New York, New York 10022
(212) 808-0700
Local Counsel for Plaintiff

SYSCO FOOD SERVICES OF METRO	:	UNITED STATES DISTRICT COURT
NEW YORK, LLC	:	FOR THE SOUTHERN DISTRICT OF
	:	NEW YORK
	:	
Plaintiff,	:	
v.	:	Civil Case No. 08-cv-02958
	:	
JEKYLL & HYDE, INC and SIXTH AVENUE	:	
FOOD SERVICES LTD.	:	
	:	
Defendants.	:	
	:	
	:	

**NOTICE OF MOTION, PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE
37(b)(2)(A), FOR A DEFAULT JUDGMENT, SANCTIONS, ATTORNEYS' FEES AND
COSTS AND OTHER RELATED RELIEF**

PLEASE TAKE NOTICE that Plaintiff, Sysco Food Services of Metro New York, LLC, by its undersigned counsel, will move this Court, before the Honorable Magistrate Judge James C. Francis, IV, 500 Pearl Street, New York, New York 10017, for the entry of an Order, pursuant to Federal Rule of Civil Procedure 37(b)(2)(A), (i) entering a default judgment against Defendants for failing to comply with this Court's June 21, 2010 Order; (ii) finding Defendants in contempt of Court; (iii) imposing monetary sanctions on Defendants and their counsel; (iv)

awarding Sysco attorneys' fees and costs; and (v) such other and further relief as this Court may deem just and proper.

Dated: August 13, 2010
New York, New York

Respectfully submitted,
NORRIS, McLAUGHLIN & MARCUS, PA

/s/ Melissa A. Peña
MELISSA A. PENA (MP-3320)
875 Third Avenue, 8th Floor
New York, New York 10022
(212) 808-0700
Local Counsel for Plaintiff

-and-

Steven Mitnick, Esq.
Admitted *Pro Hac Vice*
Mitnick & Malzberg
PO Box 429
29 Race Street
Frenchtown, New Jersey 08825
(908) 996-3716
Counsel for Plaintiff

To: Lawrence W. Rader, Esq.
225 Broadway, Suite 400
New York, NY 10007